

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

**LAKETA JOHNSON,**

Plaintiff,

v.

**PARKLAND HOSPITAL,**

Defendant.

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Civil Action No. **3:24-CV-2108-L-BN**

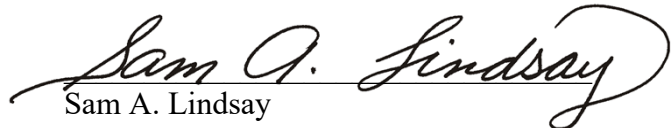
**ORDER**

The Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) (Doc. 6) was entered on August 27, 2024, recommending that the Complaint (Doc. 3) filed by pro se Plaintiff Laketa Johnson (“Plaintiff” or “Ms. Johnson”) be dismissed without prejudice for lack of subject matter jurisdiction. Plaintiff brought this action alleging that the care she received at Parkland Hospital was inadequate (Doc. 3). The Report recommends dismissal because Plaintiff failed to establish federal jurisdiction, as the facts alleged indicate that the nature of the suit is personal injury — medical malpractice. Report 5. Ms. Johnson has not established federal question jurisdiction, nor has she established diversity jurisdiction. Plaintiff has not filed any objections to the Report, and the time to do so has passed.

Having considered the Complaint, Report, file, and record, the court determines that the magistrate judge’s findings and conclusions in the Report are correct, and **accepts** them as those of the court. Plaintiff failed to plead sufficient facts for the court to find federal subject matter jurisdiction and did not object or otherwise respond to the Report recommending that this case be dismissed. Accordingly, the court **dismisses without prejudice** Plaintiff’s claims, and this action against Parkland Hospital for lack of subject matter jurisdiction.

The court prospectively **certifies** that any appeal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3). In support of this certification, the court **incorporates** by reference the Report. *See Baugh v. Taylor*, 117 F.3d 197, 202 and n.21 (5th Cir. 1997). Based on the magistrate judge's Report, the court concludes that any appeal of this action would present no legal point of arguable merit and would, therefore, be frivolous. *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). In the event of an appeal, Plaintiff may challenge this certification by filing a separate motion to proceed *in forma pauperis* on appeal with the clerk of the United States Court of Appeals for the Fifth Circuit. *See Baugh*, 117 F.3d at 202; Fed. R. App. P. 24(a)(5).

**It is so ordered** this 17th day of September, 2024.

  
Sam A. Lindsay  
United States District Judge